

Application No. 10/757,865  
Amendment dated October 16, 2006

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### REMARKS

#### INTRODUCTION

Claims 1, 29, 30, and 38 are amended hereby. Claims 34, 40, 41, and 48-54 have been canceled. Thus, claims 1-33, 35-39, and 42-47 are pending and remain herein. The Office Action dated July 14, 2006, rejected claims 1-4, 11, 14, 16-29 and 38-54 as being unpatentable over U.S. Patent No. 4,832,842 to Limb ("Limb") in view of U.S. Patent No. 5,620,663 to Aysta et al. ("Aysta et al."). Further, the Office Action rejected claims 1, 2, 4-17, 19, 20, 26-37, 48, 49, 51, and 53 as being unpatentable over U.S. Patent No. 5,989,431 to Evans et al. ("Evans et al."). Applicants have amended all remaining independent claims. Reconsideration and favorable action are earnestly solicited.

#### Rejection of Claims 1-4, 11, 14, 16-29 and 38-54 under 35 U.S.C. §103(a) as Being Unpatentable over Limb in view of Aysta et al.

The Office Action rejected claims 1-4, 11, 14, 16-29 and 38-54 as being unpatentable over U.S. Patent No. 4,832,842 to Limb ("Limb") in view of U.S. Patent No. 5,620,663 to Aysta et al. ("Aysta et al."). For the reasons set forth below, this rejection is respectfully traversed.

Claims 1 and 30, the only two remaining independent claims, have each been amended to now further feature a collection plate comprising a plurality of through holes (see, for example, Fig. 7 at reference numerals 410 and 414), and a plurality of collection vessels accommodated in the through holes (see, for example, Fig. 7 at reference numeral 416). The presently claimed collection plate and collection vessels, in combination with the removable vacuum adapter plate (see, for example, Fig. 2 at 100), and the filter device (see, for example, filter device 200 in Fig. 5), comprise a kit with which a sample can be vacuum filtered using a first plate and collected using a second

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plate. Such a device (or kit) is neither disclosed nor suggested in either Aysta et al. or Limb. Accordingly, no combination of Aysta et al. and Limb achieves the claimed invention, whether or not there is some reason to combine the teachings of the two references. As such, it is respectfully submitted that the claimed invention is patentably distinguished from Aysta et al. and Limb, and defines patentable subject matter.

Claims 40, 41, and 48-54 have been canceled rendering the rejection against those claims moot. Claims 2-4, 11, 14, 16-29 and 38-47 depend from claims 1 and 30 and are allowable for the same reasons that claims 1 and 30 are allowable. Reconsideration and withdrawal are respectfully requested.

**Rejection of Claims 1, 2, 4-17, 19, 20, 26-37, 48, 49, 51 and 53 under 35 U.S.C. §103(a) as Being Unpatentable over Evans et al.**

The Office Action rejected claims 1, 2, 4-17, 19, 20, 26-37, 48, 49, 51, and 53 as being unpatentable over U.S. Patent No. 5,989,431 to Evans et al. ("Evans et al."). For the reasons set forth below, this rejection is respectfully traversed.

Claims 1 and 30, the only two remaining independent claims, have each been amended, as described above, to now further feature a collection plate and a plurality of collection vessels accommodated in the through holes of the plate. The presently claimed collection plate and collection vessels, in combination with the removable vacuum adapter plate and the filter device together comprise a kit with which a sample can be vacuum filtered using a first plate and collected using a second plate. Such a device (or kit) is neither disclosed nor suggested in Evans et al. As such, it is respectfully submitted that the claimed invention is patentably distinguished from Evans et al. and defines patentable subject matter.

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Claims 48-54 have been canceled rendering the rejection against those claims moot. Claims 2, 4-17, 19, 20, 26-29, and 31-37 depend from claims 1 and 30 and are allowable for the same reasons that claims 1 and 30 are allowable. Reconsideration and withdrawal are respectfully requested.

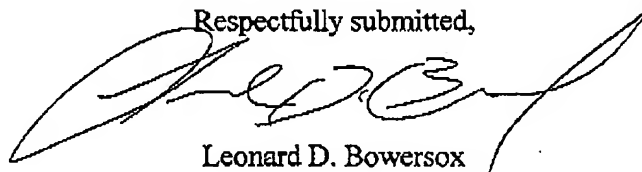
### CONCLUSION

Applicants have duly considered all rejections of the claims in the Office Action dated July 14, 2006, and addressed each in the amendments and remarks above. The rejections of claims 1-33, 35-39, and 42-47 are therefore overcome. Reconsideration is respectfully requested.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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